Secta. II-27—100,000—21-5-52.

Food and Agriculture (1952) Department.

No. SERIES.

G.O. No. 1837

Dated 24.11.1952

[Despatch Abstract.]

Civil Supplies - Foodgrains - Licensing of foodgrains - trade The Madras Foodgrains Control Order, 1947 rescinded and the Foodgrains (Licensing and Procurement) Order, 1952 republished with - notification - issued.

GOVERNMENT OF MADRAS.
ABSTRACT.
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CIVIL SUPPLIES - Foodgrains - Licensing of foodgrains - Trade - The Madras Foodgrains Control Order, 1947 rescinded and the Foodgrains (Licensing and Procurement) Order, 1952 republished instead - Notification - Issued.

FOOD AND AGRICULTURE DEPARTMENT.

G.O.Ms.No.1837. Dated the 26th November 1952.
Read the following:-

1. The Madras Foodgrains Control Order, 1947 published with G.O.Ms.No.1029 (Food), dated 15-9-1947.
2. From the Government of India, Ministry of Food and Agriculture (Food), Letters No.PY.II-CG-603(2)-52, dated 8/9 July 1952; 9-9-1952; 23-10-1952 and 31-10-1952.
3. Government of India's Notification: S.R.O.No.1825 dated 31-10-1952 issued in the Gazette of India Extraordinary (Part II section 3) dated the 31st October, 1952.

O R D E R:

The appended notifications will be published in English and in the chief languages of the districts in the Fort St. George Gazette and the District Gazettes concerned.

2.The Superintendent, Government Press, is requested to supply six copies of the notifications to the Senior Translator to Government for translating them into the chief languages of the districts concerned. The Senior Translator is requested to furnish tranlations of the notifications to the Superintendent, Government Press, at an early date.

3. The Superintendent, Government Press is also requested to send to the Government two hundred printed copies of the notifications for official use.

(BY ORDER OF ETC.)

R.M.SUNDARAM,
Secretary to Government.

To The Superintendent, Government Press, for publication of the Notifications in the Fort St.George Gazette.
To the Senior Translator to Government, Madras.
~~To the Superintendent, Government P~~
To the Board of Revenue (Civil Supplies).
To the All Collectors.
To the Director of Industries and Commerce, Madras.
To the Director of Fisheries, Madras.
To the Director of Agriculture, Madras.
To the ~~Director~~ Registrar of Cooperative Societies, Madras.
To the Secretary, Central Road Traffic Board.
To the Generl Manager, Southern Railway/ Park ~~Town~~ Town, Madras.
To the General Manager, B.N.Railway, Calcutta.
To the General Manager, N.S.Railway, Hyderabad (Deccan)
To the Commissioner of Police, Madras.
To the Government of India, Ministry of Food & Agriculture(Agriculture), New Delhi.
To the Government of India, Ministry of Industries and Supplies, New Delhi.
To the Other State Governments.
To the Chief Secretary to the Government of Mysore, Bangalore.
To the Chief Secretary to the Government of Ceylon, Colombo.
~~To the Chief Secretary~~

To the Chief Secretary to the Government of Hyderabad, (Deccan).
To the Chief Secretary to the United States of Travancore and Cochin, Trivandrum.
To the High Commissioner for India, London.
To the Regional Director (Food), Madras.
To All Departments of the Secretariat.
To the Private Secretary to Chief Minister
To the Director of Information and Publicity, Madras.
To the Superintendent, X Branch, C.I.D., Madras.
To the Board of Revenue (Land Revenue)
To the Board of Revenue (Commercial Taxes)
To the Madras Chamber of Commerce, Dare House, Madras-1.
To the Southern India Chamber of Commerce, North Beach Road, Madras.
To the Andhra Chamber of Commerce, Armenian Street, G.T.Madras.
To the Hindusthani Chamber of Commerce, 25, Broadway, Madras.
To the Madras Provincial Foodgrains Merchants' Association, Madras.
To the Tamilnad Foodgrains Merchants' Association Ltd., 170, Chitrakara Street, Mathurai-
To the Madras Memon Merchants' Association, 46, Anderson Street, G.T.Madras.
To the Electric Tramway Co., Madras.
To the Postmaster-General, Madras.
To All sections of Food and Agriculture Department (except D).
To The Government of India, Ministry of Food and Agriculture(Food), New Delhi.

* * * *

/True copy/

R. Nagarajan 21-10-66
Superintendent,
Madras Record Office,
Madras.

gh.5.10.

A P P E N D I X.

NOTIFICATION--I.

In exercise of the powers conferred by section 3(1) and (2)(d) of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), read with the Notification of the Government of India, Department of Food, No.PY.603(2)--1, dated the 21st October 1946 and section 17(2) of the said Act, and with the concurrence of the the Government of India, the Governor of Madras hereby repeals the Madras Foodgrains Central Order, 1947 (published with the late Food Department Notification, dated the 15th September 1947, at pages ~~1[5xx~~ 152-155 of the Rules Supplement to Part II of the Fort St.George Gazette, dated the 30th September 1947, as subsequently amended):

Provided that section 6 of the General clauses Act, 1897 (Central Act X of 1897), shall apply to the repeal of the Order aforesaid as it applies to the repeal of a Central Act.

NOTIFICATION- II

Notifications of the Government of India, Ministry of Food and Agriculture (Food), New Delhi, republished.

S.R.O.1140-C dated the 8th July 1952:-

PYII-CG 603(2)/52, In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby makes the following ORDER:-

PRELIMINARY.

1. Short title, extent and commencement:-

(1) This order may be called the Foodgrains (Licensing and Procurement) Order, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) it shall come into force in any State or part thereof, on such date as the Central Government may, by notification in the Official Gazette, specify.

2. Definitions:- In this order,

(a) 'dealer' means a person carrying on, either personally or through any other person, the business of selling or purchasing any foodgrains, whether wholesale or retail;

(b) 'foodgrains' means any of the foodgrains specified in the Schedule to this Order.

LICENSING OF DEALERS IN FOODGRAINS.

3. Prohibition to deal in foodgrains except under licence:-

(1) No person shall engage in any business which involves the purchase, sale, or storage for sale, or any foodgrains except under and in accordance with a licence issued by the State Government or by an officer authorised in this behalf by the State Government.

(2) For the purpose of this clause, any person who stores any foodgrains in quantity exceeding fifteen maunds shall, unless,

the contrary is proved, be deemed to store the foodgrains for the purposes of sale;

Provided that any officer authorised by the State Government in this behalf may, by general or special Order, exempt any dealer or class of dealers from the operation of this clause, subject to such directions in regard to purchase, sale or storage for sale of foodgrains as may be specified in the Order;

Provided further that any officer authorised by the State Government in this behalf may, by general or special order, exempt any person other than a dealer from the operation of this clause, subject to such conditions as may be specified in the Order.

4. Form of licence:- Licences issued under this Order shall be in such form as may be prescribed by the State Government but every licence for sale of foodgrains shall specify -

(a) the foodgrains in respect of which it is issued;

(b) the placeor places at which the licensee may sell and the place or places at which he may store the foodgrains specified in the licence.

5. Matters to be taken into consideration for granting a licence:-

In granting or refusing a licence under this Order, the authority competent to grant a licence, shall among other matters have regard to the following, namely:--

(a) the stock of foodgrains available in the locality for which the licence is requrired;

(b) the number of other persons who have applied for licences in respect of the foodgrains for which the application is made, or have been granted licencees in respect of such foodgrains under this Order in the locality;

(c) the business ordinarily carried on by the applicant.

6. Application for licence:- An application for a licence shall be made in such form as may be prescribed by the State Government and shall be addressed to such officer as may be specified in this behalf by the State Government.

7. Period of Licence:- Every licence granted under this Order shall be valid for a period of one year and may be renewed from year to year.

8. Fee for licence:- Such fee as may be prescribed by the State Government shall be levied in respect of every licence granted under this Order and for every renewal thereof;

Provided that the State Government may, for reasons to be recorded in writing, exempt any person or class of persons from the payment of any fee under this clause.

9. Contravention of conditions of licence:-

(1) No person holding a licence under this Order shall contravene any of the conditions of the licence and if any such person contravenes any of the said conditions, then, without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order of the State Government or by an officer authorised by the State Government in this behalf.

(2) Notwithstanding anything contrained in sub-clause (1), the State Government may, in any special circumstances, without giving any previous notice, suspend or cancel a licence issued under this Order.

PROCUREMENT OF FOODGRAINS.

10. Power to procurement foodgrains:- (1) If it appears to the State Government or to any officer authorised by it in this behalf that for the purpose of maintaining or increasing the supplies of any foodgrains or for securing their equitable distribution and availability at fair prices it is necessary or expedient so to do, it or he may, by order in writing, require any person holding stock of such foodgrains to sell the whole or a specified part of the stock at such price and to such person or class of persons or in such circumstances, as may be specified in the Order:

Provided that the price specified in any such Order shall in no case exceed the procurement price at which the foodgrains could have been purchased from that person.

(a) Under any Order made under the Essential Supplies (temporary Powers) Act, 1946, which was in force in the area on the 30th April 1952, or

(b) Where after the said date any other Order has been made under the said Act in the area fixing the procurement price at which the foodgrains couldbe purchased from that person, then, under any such Order in force in the area immediately before the issue of the Order under this clause , plus a further sum not exceeding 10% of the procurement price in either case.

MISCELLANEOUS.

11. Power to call for information:- The State Government or any officer authorised by it in this behalf may, be general or special order, require any banking company to furnish such information as may be specified in the Order relating to any financial assistance granted by it to any dealer whether by way of a loan or otherwise.

Explanation:- In this clause, 'banking company' means any company which transacts the business of banking.

12. Power to seize foodgrains:- If the stock of foodgrains specified in an Order made under clause 10 is not sold in accordance with the provisions of that Order, then, without prejudice to any other penalty to which the person concerned may be liable, the authority issuing the order may seize or cause to be seized such stock and deliver it to the person or class of persons to whom it should have been sold under the said Order and direct such person or class of persons to pay to the person from whom the stock was seized the value thereof at the price specified in the said Order.

13. Power to enter and search premises:- Any officer authorised in this behalf by the State Government may, within his jurisdiction, inspect at all reasonable times stocks of foodgrains and for that purpose enter any premises or stop any vehicle and search the same and seize any stock of foodgrains in respect of which he has reason to believe that any Order issued under clause 10 has been contravened:

Provided that in exercising the power of entry under this clause, due regard shall be paid by such officer to the social and religious customs of the occupant of the premises:

Provided further that if any such premises be found

locked up or unoccupied or unattended by or on behalf of the the owner or occupier, the same may, in the presence of two witnesses, be broken open and entered upon for all or any of the aforesaid purposes.

THE SCHEDULE

(See clause 2(b))

(1) Wheat.
(2) Paddy (rice in husk)
(3) Rice (husked).
(4)Jowar.
(5) Bajra.

S.R.O. 1285, dated the 21st July,1952:-

S.R.O. 1285 -- In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946(XXIV of 1946), th Central Government hereby directs that the following amendment shall be made in the Foodgrains (Licensing and Procurement) Order, 1952, namely:--

In sub-clause (b) of clause 2 of the said Order after the word "Order" the words " and includes any edible product thereof" shall be inserted.

(No.PY.II-CG-603(2)/52.)

S.R.O. 1405, dated the 7th August, 1952:-

S.R.O. 1405 -- In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendments shall be made in the Foodgrains (Licensing and procurement) Order, 1952, namely:--

In sub-clause (3) of clause 1 of the said Order, the following words shall be added at the end, namely:--

"and different dates may be appointed for different provision of this Order".

(N6.PYII-CG- 603(2)/52).

S.R.O. 1825 dated the 31st October, 1952.

No. PYII-CG-603(2)/52-I. - In pursuance of the provisions of sub-clause (3) of clause 1 of the Foodgrains (Licensing and Procurement) Order, 1952 and in partial modification of the Notification of the Government of India in the Ministry of Food and Agriculture (Food) No.S.R.O.1183, dated the 9th July, 1952, the Central Government hereby directs that the said Order shall, come into force in the State of Madras, and on the 31st October, 1952.

(TRUE COPY)